

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

**SONY BMG CD  
TECHNOLOGIES LITIGATION**

**Case No. 1:05-cv-09575-NRB**

**DECLARATION OF PAUL R. HUFF IN SUPPORT OF PLAINTIFFS'  
CLASS COUNSEL'S APPLICATION FOR ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES**

I Paul R. Huff declare as follows:

1. I am an attorney in good standing, duly licensed and admitted to practice in all California state and federal courts. I am a partner in the law firm Markson Pico Huff LLP, counsel of record for Gary Avila in Avila v. Sony-BMG Entertainment Corp., San Bernardino County Superior Court Case No. RCV 092095. A true and correct copy of my law firm's Martindale-Hubbell listing and Firm Overview is attached hereto as Exhibit A and incorporated by reference herein. Our attorneys have successfully brought and litigated large consumer class actions, including the recently settled Seewooster v. 24 Hour Fitness, USDC Case No. 03-cv-2140-BEN (S.D. Cal.).

2. I submit this declaration in support of Plaintiffs' Class Counsel's application for attorneys' fees and reimbursement of expenses in the above-entitled matter. The testimony set forth in this declaration is based on first-hand knowledge, about which I would and could testify competently in open court if called upon to do so, and on contemporaneously-generated records kept in the ordinary course of business.

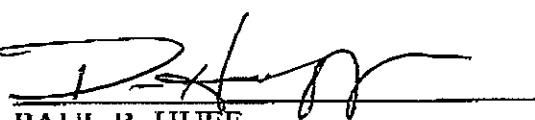
3. The total number of professional hours expended in the litigation by Markson Pico Huff LLP is 35.0 hours. The total amount for attorney, paralegal and professional staff time expended by Markson Pico Huff LLP in the course of

the litigation, based upon current rates, is \$12,250.00. The chart attached hereto as Exhibit B was prepared at my direction and presents a summary of the time spent from 11/14/05 through 2/23/06 by attorneys, paralegals, and professional staff of the firm on the litigation. The chart includes the name of each attorney, paralegal, and professional staff member who has worked on the case, his or her current hourly billing rate, and the number of hours expended by each professional on this matter. The time reflected in this declaration was time actually spent, in the exercise of reasonable judgment, by the laws and staff involved. The attorneys and legal professionals identified in Exhibit B spent time on matters that were essential to the prosecution and resolution of the litigation, including researching the Plaintiffs' claims, preparing the Complaint, preparing discovery, reviewing documents related to the settlement and speaking with Defendants' and the Federal Class counsel regarding staying the action and settlement. My firm was careful not to expend unnecessary hours and not to duplicate work done by others.

4. This firm expended a total of \$1,093.40 in unreimbursed expenses in connection with prosecution of the litigation on behalf of Gary Avila. The expenses incurred in this case are reflected in the books and records of the firm. These books and records are prepared from expense vouchers, check records, and other contemporaneously-recorded billing records, are an accurate record of expenses incurred in this litigation. The chart attached hereto as Exhibit C, also prepared at my direction, details these expenses.

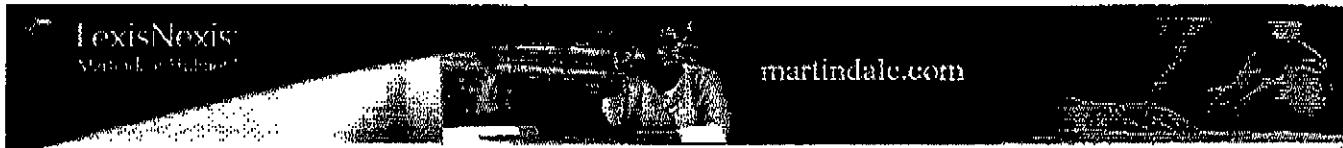
I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct.

Executed this 28th day of March, 2006, at Los Angeles, California.



PAUL R. HUFF

**EXHIBIT A**



## Firm Profile for Markson Pico Huff LLP

### Markson Pico Huff LLP

515 S. Figueroa Street, Suite 1800  
Los Angeles, California 90071.  
(Los Angeles Co.)

Telephone: 213-895-4000  
Fax: 213-895-4376  
Web Site: <http://www.lawyers.com/marksonpicohuff>

(Main Office)

### Firm Profile

#### Markson Pico Huff LLP practices in the following areas of law:

Employment, Personal Injury, Discrimination, Wrongful Termination, Sexual Harassment, Employment Contracts, Employee Benefits, Human Resources, Family and Medical Leave Act, Civil Rights, Gay and Lesbian Rights, Sexual Abuse, Sexual Assault, Automobile Accidents, Medical Malpractice, Slip and Fall, Wrongful Death, Dog Bites, Head and Spinal Injuries, Police Misconduct, Airplane Crashes, Railroad Accidents, Construction Accidents, Trucking Accidents, Libel, Slander and Defamation, Real Estate, Insurance, Property Insurance, Insurance Bad Faith, Commercial Insurance, Business Litigation, Contracts, Breach of Contract, Consumer Law, Consumer Fraud, Entertainment Law, Intellectual Property, Trademarks, Trade Secrets, Product Liability, Automotive Product Liability, Drug and Medical Device Litigation, Legal Malpractice.

### Firm Size: 3

**Brett S. Markson**, (Member) born Woodland Hills, California, September 19, 1965; admitted to bar, 1991, California. **Education:** University of California, San Diego (B.A., 1987); Hastings College of the Law, University of California (J.D., 1991). **Member:** Los Angeles County Bar Association; California State Bar; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; Association of Trial Lawyers of America; Trial Lawyers for Public Justice. **Practice Areas:** Business Litigation; Real Estate Litigation; Insurance Litigation; Insurance Bad Faith; Contracts; Consumer Fraud; Personal Injury.

**Timothy A. Pico**, (Member) born Hollywood, California, April 5, 1967; admitted to bar, 1995, California. **Education:** University of California at Los Angeles (B.A., 1990); Pepperdine University School of Law (J.D., 1995). Board of Directors, Vietnamese-American Chamber of Commerce, Orange County, 1996-1997. **Member:** Los Angeles County and American Bar Associations; State Bar of California; Asian Business League. **Practice Areas:** Employment Litigation; Sexual Harassment; Discrimination; Wrongful Termination; Employment Contracts; Business Litigation; Personal Injury; Automobile Accidents; Slip and Fall; Products Liability; Head Injury; Spinal Injury.

**Paul R. Huff**, (Member) born Chicago, Illinois, April 12, 1973; admitted to bar, 2000, California. **Education:** Northwestern University (B.A., 1995); University of California at Los Angeles (J.D., 2000). **Member:** State Bar of California. **Practice Areas:** Business Litigation; Employment; Sexual Harassment; Wrongful Termination; Discrimination; Employment Contracts; Entertainment Law; Intellectual Property; Trademarks; Personal Injury; Wrongful Death; Drug and Medical Device Litigation.



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## Firm Overview

**Markson Pico Huff LLP** is a results-driven litigation firm formed by highly experienced attorneys -- Brett S. Markson, Timothy A. Pico and Paul R. Huff -- drawn from the ranks of the nation's leading law firms. Our goal is to help our clients resolve their disputes by providing the highest quality representation at a reasonable cost.

Our practice focuses on litigation in the areas of business, employment (discrimination, harassment, retaliation, wrongful termination, wage & hour), real estate, insurance, intellectual property, celebrity right-of-publicity, serious personal injury, product liability, professional responsibility and consumer and employee class actions, and more. We serve clients located throughout the United States in state and federal courts and agencies throughout California. In addition, Markson Pico Huff LLP provides top-notch advice and representation in the areas of business formation and maintenance, intellectual property protection and workplace litigation prevention.

At Markson Pico Huff LLP, the client comes first. Our attorneys are dedicated to providing our clients focused, efficient representation of the highest quality. Our results speak for themselves. Since forming at the beginning of 2005, our attorneys have secured a favorable jury verdict on liability in a pediatric brain injury case which led to a sizable settlement during trial (*Verdict Search California*, Vol. 4, Issue 26, June 27, 2005), successfully argued before the Second Appellate District of the Court of Appeal in a real estate litigation matter, securing a full reversal on all grounds (*Stott v. Bruckel, et al.*, Court of Appeal Case No. B171659), and obtained favorable settlements for our clients in a large wage and hour class action, a highly-publicized shareholder class action and in trademark, employment and medical negligence matters.

Markson Pico Huff LLP has an outstanding support staff and is dedicated to using state of the art technology to be responsive and accessible to our clients at all times. We are committed to the highest standards of legal excellence and professional responsibility, and are proud to serve our community through our pro bono work and membership in such organizations as Trial Lawyers for Public Justice.

Please visit our [Practice Areas](#) for more information regarding how we can serve you or your company. If you would like to contact one of our attorneys, please click [Contact Us](#) or call us at (213) 895-4000.

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## Practice Areas

### **Employment Law**

Our attorneys represent employees as well as employers in discrimination, harassment, retaliation, wrongful termination and wage-hour and benefits-related litigation. To keep employers out of the courtroom, we provide advice and counsel, workplace investigations, preparation of employment materials (handbooks, forms, etc.) and conduct training for employees regarding workplace issues.

### **Intellectual Property**

Our attorneys have experience with a wide range of trademark, copyright, trade secret, patent, right of publicity and entertainment matters.

### **Business Litigation**

Our attorneys have extensive experience in business torts, real estate and contract disputes, unfair competition, fraud, trade libel and other complex business litigation.

### **Serious Personal Injury**

Our attorneys represent seriously injured clients in obtaining compensation for their injuries. If you have been injured as a result of someone's negligence, please call us at (213) 895-4000, go to Contact Us or email us directly at [personalinjury@marksonpicohuff.com](mailto:personalinjury@marksonpicohuff.com).

### **Products Liability**

In addition to defending manufacturers, distributors and retailers in products liability matters, our attorneys represent individuals harmed by dangerous and defective products, including automobiles, machinery and pharmaceuticals. If you have suffered an injury as a result of a defective or dangerous product, please call us at (213) 895-4000, go to Contact Us or email us directly at [productliability@marksonpicohuff.com](mailto:productliability@marksonpicohuff.com).

### **Consumer and Employee Rights Class Actions**

We represent employees and consumers in cases involving wage and hour violations, consumer fraud, deceptive advertising, privacy, securities fraud and more. If you would like to discuss a violation of your rights as a consumer or employee with one of our attorneys, please call us at (213) 895-4000, go to Contact Us or email us directly at [classaction@marksonpicohuff.com](mailto:classaction@marksonpicohuff.com).

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**EXHIBIT B**

**EXHIBIT B**  
**Avila v. Sony BMG Attorney Fees**

Date	Attorney	Rate per hour	Description of Services	Time Billed	Total
11/14/2005	Paul R. Huff	350.00	Teleconference with Gary Avila regarding XCP software; Conduct research regarding Sony XCP Software rootkit	2.10	\$735.00
11/17/2005	Paul R. Huff	350.00	Conduct Research regarding potential claims	2.80	\$980.00
11/19/2005	Paul R. Huff	350.00	Teleconference with Garry Avila re case	0.70	\$245.00
11/22/2005	Paul R. Huff	350.00	Conduct additional research regarding XCP Software	4.50	\$1,575.00
11/22/2005	Paul R. Huff	350.00	Conduct research regarding causes of action for Complaint; prepare complaint	6.00	\$2,100.00
11/23/2005	Paul R. Huff	350.00	Continue Prepare Complaint	4.80	\$1,680.00
11/24/2005	Paul R. Huff	350.00	Finalize Complaint	2.70	\$945.00
12/7/2005	Paul R. Huff	350.00	Prepare CLRA Notice letter to Sony BMG	3.10	\$1,085.00
12/22/2005	Paul R. Huff	350.00	Receive and review Nielson complaint	0.50	\$175.00
12/29/2005	Paul R. Huff	350.00	Receive and Review application in USDC New York for preliminary approval of federal class action settlement	0.60	\$210.00
1/5/2006	Paul R. Huff	350.00	Prepare Special Interrogatories to Defendant Sony BMG	2.20	\$770.00
1/5/2006	Paul R. Huff	350.00	Prepare Request for Identification and Production of Documents	1.60	\$560.00
1/12/2006	Paul R. Huff	350.00	Receive and review letter from Debevoise & Plimpton LLP regarding complain, CLRA notice, etc.	0.30	\$105.00
1/13/2006	Paul R. Huff	350.00	Teleconference with Scott Kamber regarding Federal Settlement	0.40	\$140.00
1/14/2006	Paul R. Huff	350.00	Receive and review notice of stay; perform research re same	1.30	\$455.00
2/1/2006	Paul R. Huff	350.00	Teleconference with attorney from Mitchell Silberberg regarding stipulation to consolidate California class actions	0.20	\$70.00
2/20/2006	Paul R. Huff	350.00	Teleconference with Client regarding case status	0.40	\$140.00
2/23/2006	Paul R. Huff	350.00	Prepare letter and review bills and billing summary for reimbursement to Scott Kamber, Esq.	0.80	\$280.00
<b>TOTAL:</b>				<b>35.00</b>	<b>\$12,250.00</b>

**EXHIBIT C**

**EXHIBIT C**  
**Avila v. Sony-BMG COSTS**

DATE	DESCRIPTION	AMOUNT
12/8/2005	Filing Fees: Complex Case Fee	\$550.00
12/8/2005	Filing Fees: Complaint	\$306.50
12/22/2005	Service of Process	\$55.00
1/26/2005	Federal Express	\$34.40
1/16/2005	Messenger	\$147.50
	<b>TOTAL:</b>	<b>\$1,093.40</b>